

MOSER LAW FIRM, P.C.



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VIA ECF

Hon. Denis R. Hurley, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Ruggiero v. Suffolk County*, 14-cv-7434

Dear Judge Hurley:

I represent the Plaintiff in the above referenced matter. Please accept this letter as Plaintiff's status report.

This matter is the first in a series of cases brought against Suffolk County on behalf of 9-1-1 Operators and Public Safety Dispatchers alleging violations of the ADA. The second such case, *De La Cruz Castaneda v. County of Suffolk*, 15-cv-00185, is assigned to Judge Spatt.

There are also three charges which have been making their way through the administrative process for years: *Montaldo v. Suffolk County*, *Pflug v. Suffolk County*, and *DiIorio v. Suffolk County*. The EEOC received timely charges on these cases prior to 2016. Unfortunately, the administrative process has not been completed and is beyond our control. The Supreme Court recently decided in *Fort Bend Cty., Tex. v. Davis*, 139 S. Ct. 1843, 204 L. Ed. 2d 116 (June 3, 2019) that "Title VII's charge-filing requirement is not . . . jurisdictional" but rather a "prudential prerequisite." In light of the *Fort Bend* we are considering the unusual step of filing cases before the administrative process is completed.

In the interests of judicial economy, we expect to consolidate all cases.

I respectfully request leave to file a further status report on or before December 1, 2019.

Respectfully submitted,

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